

What's in a Name? The Republic of Macedonia at the Crossroads

 verfassungsblog.de/whats-in-a-name-the-republic-of-macedonia-at-the-crossroads/

Toni Deskoski , Julija Brsakoska Bazerkoska Do 21 Dez 2017

Do 21 Dez 2017

Forming of the new Government on 31st of May 2017 marked the beginning of the end of one of the most serious political crisis that Republic of Macedonia has lived through from its independence. The country was faced with challenges both on the domestic front – the dissolution of the democratic institutions and backsliding to authoritarianism, and on the international front as well – worsening of the relations with its neighbors. One of the first steps taken by the new government was to renew the ties with its Southern neighbor – Greece and to continue the talks over the name issue. After a period of three years, the representatives from both countries started negotiating again in order to resolve the name dispute and the security implications of this prolonged dispute on the Balkan region. But by all means the renewal of the negotiations is only just a beginning of the lengthy path of rebuilding the trust and solving the issue that has been a huge burden especially to the R. Macedonia's integration in EU and NATO.

The dispute in brief

After the Yugoslav Federation disintegrated violently in the 1990's, R. Macedonia declared independence after the successful referendum held on September 8, 1991. However, this was only the beginning of the long and painful process of building an internationally recognized and secured state. R. Macedonia was faced with the challenge of the international recognition of its independence. One of the main obstacles in that process was the fact that its neighbor Greece would not accept the existence of a distinct Macedonian national identity that would start to exist in an independent state, instead as a Federation's member state.

Since the early 1990's, when the dissolution of Yugoslavia started, the international community invested serious political efforts and financial resources to stabilize the region. One of those efforts was the help given in the attempts for resolving of the name issue between Greece and Republic of Macedonia. Primarily, in 1993, the international community managed to find a suitable formula to enable R. Macedonia to join the UN, which helped the country to be recognized internationally. Afterwards, in 1995, the huge international pressure led by the US diplomacy convinced the Greek side to undersign the Interim Accord with R. Macedonia. The Interim Accord laid the foundations for good neighborly relations between the two countries by providing serious obligations on each side. Among other things, Greece accepted that it would not object to R. Macedonia becoming a member to international organisations of which Greece was a member, as long as R. Macedonia was to be referred to in such organization or institutions as "the former Yugoslav Republic of Macedonia" (Article 11 para 1). On the other hand, R. Macedonia agreed to continue negotiations with Greece on the name issue under the auspices of the Secretary-General of the United Nations.

After the US recognition of R. Macedonia under its constitutional name in November 2004, the Greek foreign policy made a sharp shift in its policy towards the name issue. First, already in 2005, Greece made a brave step forward in the negotiations by departing from its initial position to insist in a name that does not include “Macedonia”, proposing instead a new solution based on “a composite name that includes the geographical designation of Macedonia but attaches an adjective to it to distinguish it from the Greek province with the same name.” In other words, the new international name of the country that would be acceptable to Greece would be “Republic Northern Macedonia” or “Republic Upper Macedonia”. According to the Greek side, the purpose of such renaming would be to distinguish R. Macedonia from the northern Greek province “Macedonia”, in a sensible, reasonable and fair to both sides manner. The second line of direction of the Greek diplomacy was to depart from its commitment to Article 11 para 1 of the 1995 Interim Accord, and to start objecting to R. Macedonia’s accession in NATO and EU, in order to get leverage in the negotiations on the name issue. It was first manifested at the NATO Bucharest Summit in 2008, where a decision on enlargement was to be made. The Macedonian side rejected the proposal of renaming the country into “Republic Northern Macedonia” or “Republic Upper Macedonia, because that move would severely damage the identity of the Macedonian nation, and it could further lead to a disintegration of the state. The main pillar of the Macedonian nation is the name Macedonia. For that reason, however fair and reasonable these proposals might seem to third parties, they are regarded as hostile from the Macedonian side and undermine the credibility of any third party that intends to facilitate acceptance of such a proposal by R. Macedonia. In 2009, Greece also objected to the opening of the accession talks of R. Macedonia with the European Union.

The ICJ’s Judgment of 2011

After Greece blocked the accession of R. Macedonia to NATO in 2008, R. Macedonia unilaterally submitted the case to the International Court of Justice, on the basis of the pacta sunt servanda principle. The Court concluded that according to the evidence submitted to it, it was clear that Greece had objected to R. Macedonia’s admission to NATO because of the failure to reach a final agreement of the difference over the name. Furthermore, the conclusion of the Court is that Greece failed to comply with its obligation under the Article 11, paragraph 1 of the Interim Accord, when it objected to extending an invitation to R. Macedonia to join NATO. Furthermore, the Court declared that Greek allegations of continuous violations of R. Macedonia’s obligations under the Interim Accord were unfounded, and therefore Greece cannot excuse itself for its breach of the Accord by relying on R. Macedonia’s breaches. Practically, the Court declared that there isn’t any irredentist pattern of behavior on Macedonian side since none of the alleged breaches that amount to such behavior existed on Macedonian side.

However, the Court rejected the Macedonian request to order Greece to refrain from any future conduct that violates its obligation under Article 11, paragraph 1, of the Interim Accord. As the Court explained, “[a]s a general rule, there is no reason to suppose that a State whose act or conduct has been declared wrongful by the Court will repeat that act of conduct in the future, since its good faith must be presumed.”

The Aftermath

So far, in the dispute over the international name of the Republic of Macedonia, both NATO and EU member states have taken solidary stance with Greece. This is mainly due to the fact they considered the Greek offer of a compromise to rename R. Macedonia into “Republic Northern Macedonia” or “Republic of Upper Macedonia” to be fair, notwithstanding the damage that it would entail to the Macedonian national identity. The support given to Greece is actually a support to Greek breach of the Interim Accord and to the false Greek allegations that R. Macedonia is in continuous breach of the Interim Accord.

Greece’s bad faith in the negotiations on the name issue is manifested in one more way. If Greece’s main goal in the negotiations is to achieve a distinction between R. Macedonia and the region of Macedonia, there are other ways to ensure that. The first one is the clear commitment by R. Macedonia not to use solely the term “Macedonia” for its designation in international relations, but always its full constitutional name “Republic of Macedonia” or abbreviation “R. Macedonia”. The second one is the mediator Niemetz’s proposal of 2008 “Republic of Macedonia (Skopje)”. It is worth to mention that this proposal was previously suggested by the Macedonian side back in 1992 to Robin O’Neill, acting as European Community Envoy. Also, Greece cannot be unaware that the Badinter commission in 1992 found that that “the use of the name ‘Macedonia’ cannot imply any territorial claim against another State”

It is understandable that members of both organisations where Greece is already a member continue providing support their ally in breaching of an international treaty towards the country that is outside the alliance, in order to obtain leverage in negotiations on a bilateral dispute. But the fact that the process of the EU and NATO integration of R. Macedonia has been stalled for the past years has contributed towards deepening the crisis of democratic deficit in the country. Therefore, both EU and NATO member states should remember the ICJ judgment of 2011 and its contribution to normalize the relations between the two countries.

Conclusion

The regional context in the Balkans has changed over the past years and there are numerous factors of possible destabilization, such as the migrant crisis and the growing Russian influence in the region. Therefore, both NATO and EU need to act more rapidly in order to contribute towards final stabilization of the region. To have R. Macedonia in NATO and in EU will not only contribute towards this small country’s stability, but also towards stability of the region. Unlike in 2008, when USA and NATO had friendly relations with Russia, today the situation has changed. The enlargement is necessary to fill the vacuum in the Balkans, or else that will be done by Russia. This was especially the case in R. Macedonia with the Russian support of the former nationalistic government that was entangled in crime and corruption and generated the political crisis which reached dangerous conflict levels.

Today, both USA and the EU are willing to help the new reform government in R. Macedonia. The help needs to be directed towards the domestic reform process of the rule of law as well as towards the faster integration of the country in both NATO and EU. The best way to move forward in these processes is to facilitate the settlement of the name issue, which would mean for the EU and NATO members to return their support for the full implementation of the 1995 Interim Accord, since it provides sustainable framework for good neighbourly relations between Greece and R. Macedonia. Restoring of the balance of negotiations on the name issue, as established by the Interim Accord and preventing the endangering of the good neighbourly relations by Greece by its breach of the Interim Accord is the only exit from the present deadlock.

LICENSED UNDER CC BY NC ND

SUGGESTED CITATION Deskoski, Toni; Brsakovska Bazerkoska, Julija: *What's in a Name? The Republic of Macedonia at the Crossroads*, *VerfBlog*, 2017/12/21, <http://verfassungsblog.de/whats-in-a-name-the-republic-of-macedonia-at-the-crossroads/>.